



UNITED STATES  
Patent and Trademark

OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
18/035,988	09/23/81	BAIARD	14 01597

261 MADISON AVENUE  
NEW YORK, NY 10013

EXAMINER	
DOUGLAS	
ART UNIT	PAPER NUMBER
122	3

DATE MAILED: 07/14/82

7/14/82

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.       | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

- ☒ Claims 1-18 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☐ Claims \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 1-18 are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved, ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119, which papers have been placed of record in the file.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7 and 18, drawn to cepheids and pharmaceutical composition, classified in Class 424, subclass 246.

II. Claim 8, drawn to process for preparing cepheids, classified in Class 54, subclass 28.

III. Claim 9, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

IV. Claims 10-13, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

V. Claims 14 and 15, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

VI. Claims 16 and 17, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

Inventions I-V and VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown, (1) that the process as claimed can be used to make other and different products or (2) that the product as claimed can be made by another and materially

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different process. See MPEP 806.05(f). In the instant case the product can be made by various materially different processes as is evident from Group II-VI.

Because the inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this action to be complete must include an election of the Invention to be prosecuted even though the requirement be traversed.

Applicant is given 30 DAYS from the date of this letter to make an election to avoid a question of abandonment.

Coughlan:jag

A/C 703

557-3032

7-6-82

*Paul M. Coughlan, Jr.*

PAUL M. COUGHLAN, JR.  
PRIMARY EXAMINER  
ART UNIT 122